

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Matthew Aaron Welch and
Amanda Grace Welch

Debtor(s)

CHAPTER 7

BANKRUPTCY NO. 19-01442-dd

SETTLEMENT ORDER ON MOTION FOR
RELIEF FROM AUTOMATIC STAY

This matter comes before the Court on the motion for relief from the 11 U.S.C. §362 automatic stay filed by Lakeview Loan Servicing, LLC, (“Movant”). Movant has waived any claim arising under 11 U.S.C. § 503(b) or § 507(b) and, in the event relief from the automatic stay is granted due to a default under the terms of this settlement order, agreed that any funds realized from the disposition of its collateral in excess of all liens, costs, and expenses will be paid to the Trustee or bankruptcy estate. The Chapter 7 Trustee Kevin Campbell filed an objection to the motion on April 24, 2019. The Debtors did not file an objection.

It appears that the Movant and Trustee have agreed that the automatic stay should remain in place in order to provide the Trustee the opportunity to sell the Debtors’ property located at 45 Burlington Circle, Beaufort, SC 29906, Beaufort, (“Property”), within a period of one hundred and twenty (120) days from the date of this Order. The Movant and Trustee wish to incorporate this agreement into an Order of this Court. Therefore,

IT IS ORDERED that the motion to modify the automatic stay filed by the Movant be denied, and that the automatic stay remain in place, in order to provide the trustee an opportunity to sell the Property. Should the Trustee fail to sell the Property within a period of one hundred and twenty (120) days from the date of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed

order by the Court. Movant may then proceed with its state court remedies against the collateral, including sending any required notice to Debtors.

IT IS SO ORDERED.

FILED BY THE COURT
05/08/2019



Entered: 05/09/2019

David R. Duncan
Chief US Bankruptcy Judge
District of South Carolina

WE CONSENT:

/s/John B. Kelchner

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